

United States District Court
Southern District of New York

- Against -

Antonio MORA 19 CR - 514

Notice of Motion

RE: Harsh conditions

Under # 3553 (a) The District Court can consider Harsh conditions of the defendant's Pre-trial confinement which may be meritorious for a downward departure. Numerous district courts have agreed that the Metropolitan Correctional Center (MCC) New York is a facility which is harsh and inhumane and warrants consideration for a downward departure. From you Judge J. Paul Oetken under # 3553 (a) The Second Circuit also had up held the district court's decision in departing downwardly on the grounds of harsh confinement at MCC in a Pre-trial and Pre-sentencing setting. Judge Kimba Wood took into consideration Mendola's harsh confinement at MCC and departed 10 months from his sentence. See United States v. Mateo, 229 F. Supp. and 201, 212 (SDNY 2004) also see United States v. Mendola 52.03 Cr. 449 (kmw). also see United States v. Hernandez Santiago 92 F. 3d 97, 101 n2 (2nd Cir 1996) To which the court departed three levels based on 22 months of harsh confinement in the United States facility. Also see United States v. Lara, 901 F 2nd 599 (2nd Cir 1990) in which the court departed from a guideline of 121-151 month to 60 months taking into consideration in part the defendant's harsh confinement during Pre-trial and Pre-sentencing. The harshness of (MCC) confinement bears on speedy trials, Plea Deals, Sentencing in so far as

One of the Purposes of Sentencing is to afford Just Punishment for the offence and respect for the Law 18 U.S.C. #3553 (a) I MR MORA has been continually confined in a federal Pre-trials facility at MCC. The facility is not designed for long term stay. Mass fire Burning, No heat, Mices, Covid-19 Now back to the Poor conditions the Staffing which leads the facility into Its down fall. The Staff most times wear no Face Mask or gloves. MR MORA caught the Covid due a inmate that was passing out the food trays Staff allowed the inmate to do so knowing he had Covid. There's no Law Library because theres no movement or enough time to study for research as a Pre-trial detainee all my rights have been violated because of the conditions at MCC. The whole Jail is just one big Quarantine Room ever since Covid-19 every housing unit is Quarantine, because the mass spread of Covid from the poor staff whom dont show any signs of having the virus and is spreading it through out the Jail I caught Covid-19 after my 5th test when I only came out 30 min every other day (90 min a week) could not clean my cell often had a cell mate who was not all that clean I am isolated at the moment still with a cell mate its this feeling I need to use the Court for sympathy Its the staff Bringing it in the inmates should not be held responsible and forced to live in a inhumane condition. I haven't had fresh air from out doors for over the past year. Due to the short on staff, 24 hour Lock in, Lock down here at MCC "However" because of the Covid-19 the Mayor has declared a State of emergency from my understanding theres a law firms whom are

Sharing a Class action law suite against MCC, More so than BOP because this Build has been sighted many violation from many years ago but nothing has ever been done about it.

So now with Covid-19 many inmates have been testing positive for the virus with no understanding to how they contracted the virus when they never leave the facility or receive visits so again that leaves the poor staff whom brings this deadly virus into MCC facility affecting all the inmates Covid is truly living here at MCC. I am afraid to be here fear of testing positive again because it so hard to prevent its mind blowing. Its the worst feel in all my life when I had Covid. I need to ask the Court to give me a relief to allow me to stay alive and stay safe for Covid-19 and the harsh condition in this facility by all means I am grateful for all those whom are on the front line. Back to the harsh conditions, Poor Staffing, and inhumane On 9/1/21 at approximately 9:30 AM I came out my cell to speak to Psych I finish speaking with **PSYCH** I ask to go back in my cell and Staff/officers ignored my request. After that my request was ignored a medical staff walks in that I don't feel comfortable. Medically accessing me sits down in the unit after worse a LT walks in I ask him can I be escorted back in my cell the LT tells me to cuf up I comply thinking that I was going back in my cell the LT stops me before we get to the stairs of my tier and tells me I'm going to get medical access by the medical staff that was sitting in the unit for an incident that happen the night before I said I was refusing it because I didn't feel

Comfortable with the staff that was going to Medical access me to get another staff and I will comply to the Medical assessment the LT told me I was going to get medical access by that staff no matter what after worse he rolled his leg around my bad leg and slam me on the floor I'm experiencing lots of pain on my leg do to the fall and it's very swollen and bruised staff came to Medical access me 7 days later for that incident and I'm still experiencing lots of pain to my leg have spoken to many staff, medical and etc and no one cares or is taking my situation seriously. I beg the court to please look into my case closely. all this is harsh and mind blowing I know fear for my life with all this that I have experience here at MCC not to mention I experienced 3 death, Gun finding, Covid-19 and etc in 27 months I have living at MCC, Please Judge J. Paul Oettker take my situation seriously I'm very scared and fear for my life.

Antonio Mora 87036-054
150 Park Row Mcc
New York, NY, 10007

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Honorable J. Paul Oetken
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY, 10007

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SDNY

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